



**NOTICE OF FIRST PROPOSED RULEMAKING**  
**Graduation Regulations DCMR 5A Chap. 22 NPRM**  
**Matrix of Comments**  
**December 2014**

<b><u>Reviewers</u></b> Friends of Choice in Urban Schools (FOCUS) Public Charter School Board (PCSB) Homeschool Legal Defense Association Ethan Reedy Private School Stakeholders (Brett Greene; Gene Baptiste, Ron McClain) Several Charter LEAs (Capital City, EL Haynes, Friendship, IDEA, KIPP DC, National Collegiate, Thurgood Marshall Academy, and Washington Latin) Raise DC Workforce Investment Council	Benton Murphy (Community Foundation) Julie Meyer (Next Step PCS) Mayde Henson (Covenant House Washington) Any Dudas (DC Alliance of Youth Advocates) Leicester Johnson (Academy of Hope) Sarah Livingston Cathy Reilly (SHAPPE) Martha Saccocio (Wilson & DEAL parent) Jazmone Taylor (Advocates for Justice and Education) Dr. Ryan Monroe (Carlos Rosario International Public Charter)
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Section	Comments Received	Line # / Page #	Comments	Responses
<b>5E 2201-PROMOTION</b>				
<b>5A 2200 – <u>AUTHORITY AND PURPOSE</u></b>				
2200.1 The following rules are issued pursuant to authority set forth in Sections 7 and 11 of the State Education Office Establishment Act of 2000, as amended, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code §§ 38-2602(b)(7) and (11) (2012 Repl.)); Section 403 of the Public Education Reform Amendment Act of 2007, as amended, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2652(a)(3)	Home School Legal Defense Association (HSDLA) and Ethan Reedy	2200.2	This regulation unreasonably interferes with the rights of parents to homeschool their children. District parents who homeschool already must comply with an entire chapter of regulations, and thus it is unnecessary to include them in this new regulation. Furthermore, the proposed regulation imposes an inflexible curriculum on homeschools and	Inclusion of “home-school” in 2200.2 was an error. The term “home school” was removed to avoid further confusion.



<p>(2012 Repl.)); Articles I and II of An Act to provide for compulsory school attendance, for the taking of school census in the District of Columbia, and for other purposes, as amended, approved February 4, 1925 (43 Stat. 806; D.C. Official Code §§ 38-201 et seq. (2012 Repl.)); and Section 402 of the Healthy Schools Act of 2010, as amended, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-824.02(c) (2012 Repl.)).</p> <p>2200.2 The purpose of this chapter is to establish the requirements governing acceptable credits to be granted for studies leading to graduation and issuance of a diploma in District of Columbia educational institutions offering high school instruction, including independent schools, private schools, District of Columbia Public Schools, public charter schools, state-run schools, private instruction, and home schooling. Further, this chapter establishes the requirements governing acceptable credits to be granted for studies leading to graduation and issuance of a diploma by the State Superintendent of Education.</p>			<p>grants sweeping authority to the state superintendent as the "head" of every homeschool.</p> <p>Letter from HSLDA constituent: I oppose including homeschools in the new proposed graduation requirements regulation. Although the regulation claims that constituents were consulted, homeschoolers were not consulted. It doesn't make sense to include homeschooling in this new regulation since parents already have an entire chapter of regulations to follow. I am very concerned, also, because this regulation would make the state superintendent the "head" of my homeschool. But as a homeschooling parent, I have chosen to educate my child privately, and I am the head of my homeschool. This new regulation would also impose inflexible curriculum demands on my homeschool that will constrain my ability to teach my children what is best for them. Please take homeschooling out of this proposed regulation.</p>	
	Private Schools (Brett Greene; Gene Baptiste, Ron McClain)		Concern about private schools, independent schools, and private instruction being included in 2200.2, as well as being included in the definition of "educational institution."	Private school has been removed from 2202.2 and from the definition of educational institution. These regulations will only apply to private schools, independent schools, or private instruction solely in the cases of nonpublic educational institutions that provide educational services to special education students pursuant to Section 3 of the Placement of Students with Disabilities in Nonpublic Schools Amendment Act of 2006, effective March 14, 2007 and consistent with Title 5-A DCMR §§ 2800 <i>et seq.</i>



	FOCUS	2200.2	<p>The D.C. School Reform Act of 1995 says that any regulation purporting to apply to both DCPS and the charter schools is inoperable as to the charter schools. It's very difficult, however, to make a persuasive case for having different graduation requirements for different schools. Over the years, therefore, it's been customary for PCSB to treat graduation course requirements adopted by DCPS and later by OSSE as "state" requirements applicable to charters.</p> <p>The proposed requirements discussed above, however, go far beyond the mere designation of courses required for graduation. Among other things, they seek to turn the superintendent of OSSE into the superintendent for the charter schools (and DCPS), giving him course-approval authority and the authority to invade other areas of exclusive charter school control. The regulations also would improperly expand the authority of the PCSB. And, finally, the regulations give the chancellor more discretion than the heads of the charter school LEAs.</p>	<p>Section 2204(c)(3)(B) of the DC School Reform Act (D.C. Code 38-1802.04(c)(3)(B)) states as follows: "A public charter school: Shall be exempt from District of Columbia statutes, policies, rules, and regulations <i>established for the District of Columbia public schools</i> by the Superintendent, Board of Education, Mayor, District of Columbia Council, or Authority, except as otherwise provided in the school's charter or this subchapter." Where the SEA promulgates a rule or policy with statewide application, that rule or policy does not improperly frustrate the cited provision of the DC School Reform Act. The legislative history of the DC School Reform Act clearly articulates Congress's intention to ensure that charter schools are not burdened by rules and regulations that are established for DCPS as a standalone entity, not to exempt charter schools from all laws, rules, and policies. When the Public Education Reform Act (PERAA) created the State Superintendent and the State Board of Education, PERAA did make technical amendments to the DC School Reform Act, but did not add these new entities to the list of entities from whose rules and policies charters are exempt.</p> <p>The proposed rules additionally do not mandate any particular curriculum, but set the statewide standards for what it means to obtain a high school diploma in the District of Columbia. The proposed rules set the state standards and parameters, but do not mandate the methodology or curriculums through which a particular school or LEA will teach the broad categories of learning.</p>
	Capital City, EL Haynes, Friendship, IDEA, KIPP DC, National Collegiate, Thurgood Marshall		<p>Our primary issue with the regulations relates to the inclusion of "charter schools" in 2200.2. While those words were included in the old regulations found in section 5E, those regulations were promulgated by the old Board of Education prior to the enactment of PERA in 2007. That Board had authority to act as a charter authorizer and had oversight of the</p>	<p>OSSE is authorized to issue regulations governing graduation requirements pursuant to D.C. Official Code § 38-2602(b)(7) (2012 Repl.), which states OSSE is responsible for establishing the minimum credits that must be achieved in order to graduate from any public and public charter school, with the advice and approval of the State Board of Education (SBOE).</p>



	Academy, and Washington Latin		schools it had chartered. With the passage of PERA in 2007, the oversight of these charters was explicitly transferred to PCSB via DC Code at section 38-1802.01(f). In short, the charters mentioned in the old regulations do not exist any longer.	
<b>5A 2201 – <u>GENERAL POLICY</u></b>				
2201.1 This chapter shall apply to an educational institution as defined in this chapter to include any elementary or secondary educational program operating in the District of Columbia.	Home School Legal Defense Association (HSDLA)		Request to eliminate the phrase “to include any elementary or secondary educational program operating in the District of Columbia” as this implies that it would apply to private schools, independent schools, private instruction, and home school and thus would contradict the fact that these entities have been removed from the definition of “educational institution” and the authority Section in 2200.2	OSSE has eliminated the phrase in proposed regulations out for a second round of public comment.
2201.2 This chapter shall also apply to a nonpublic educational institution, as defined in this chapter, that provides educational services to special education students pursuant to Section 3 of the Placement of Students with Disabilities in Nonpublic Schools Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-269; D.C. Official Code § 38-2561.03 (2012 Repl.)).				
2201.3 At the beginning of each school year, educational institutions shall notify parents and guardians of enrolled students of the educational institution’s graduation policies and procedures and any course credit flexibility options an educational institution will provide to students, in accordance with this chapter.				
2201.4 Educational institutions shall have the flexibility to design and implement their own curricula and instructional methods so long as curricula meet and	Capital City, EL Haynes, Friendship,		Educational institutions shall have the flexibility to design and implement their own curricula and instructional methods so long as curricula	This is a technical correction that OSSE agrees with and has made to the revised proposed regulations out for a second round of public comment.



exceed state approved standards.	IDEA, KIPP DC, National Collegiate, Thurgood Marshall Academy, and Washington Latin		meet OR exceed state approved standards. [STRIKE "and" REPLACE with "or"]				
5A 2202 – GRADUATION: ACADEMIC REQUIREMENTS							
2202.1 At the beginning of the ninth (9th) grade, students shall develop a graduation plan pacing the courses they will take to complete high school. This shall be done with the assistance and signed approval of the school counselor.	Public Charter School Board		Concern that this is encroaching on an LEA function.	OSSE has eliminated this requirement from the proposed regulations.			
2202.2 Subject Area Course Requirements Beginning with the graduating class of 2016, in School Year 2015-2016, and every graduating class thereafter, each high school student shall complete the following coursework:  A total of twenty-four (24) credits in corresponding subjects and required volunteer community service hours shall have been satisfactorily completed for graduation.  (a) The following credits in the following subjects shall be required: <table><tr><th>COURSES</th><th>CREDITS(S)</th></tr><tr><td>English</td><td>4.0</td></tr><tr><td>Mathematics; must include Algebra 1, Geometry, and</td><td>4.0</td></tr></table>	COURSES	CREDITS(S)	English	4.0	Mathematics; must include Algebra 1, Geometry, and	4.0	Public Charter School Board  <
COURSES	CREDITS(S)						
English	4.0						
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Algebra II at a minimum					knowledge. This is not dependent on removing time from the equation. A number of schools have introduced portfolios and other metrics of mastery within the current regulations	must lift the policy barrier to meaningful learning – the Carnegie Unit. While students are currently able to participate in credit recovery or competency-based learning (CBL), they are not able to obtain graduation credit for those classes. This inhibits CBL in particular from being offered in core classes, such as math or English, thereby stifling a school’s ability to use an instructional method that may be beneficial to students. To provide students with the most options, OSSE has not eliminated the seat time requirement, but rather introduced other pathways, not limited to seat time, to obtain credit. One pathway in particular – CBL - helps the District reach this point by using the mastery of content as the measure for student progress instead of time. This is not conditioned on the course being quantitative like math or science. For example, rather than knowing that a student with a high school diploma did 120 hours of US history, schools and teachers will be able to know that the student demonstrated knowledge on what caused the Great Depression and applied the knowledge in different ways.
Science; must include three (3) lab sciences	4.0					
Social Studies; must include World History 1 and 2, United States History; United States Government, and District of Columbia History	4.0					
World Language	2.0					
Art	0.5					
Music	0.5					
Physical Education/Health	1.5					
Electives	3.5					
Total	24.0					
					<ul style="list-style-type: none"><li>• There is agreement that OSSE and the Board should move a competency based metric for foreign language that does not require the completion of seat hours. In this case, it would be in line with the proposed 2202.2 item 3 which could be limited to subjects like foreign language where the Board and the public agree that they can be measured by an OSSE approved assessment.</li><li>• It is possible that Math and some Science courses might also fall under 2202.2 item 3 but there is concern that students mastering the facts quickly enough to do well on a competency test may not have the same level of depth and understanding as those that have completed a course. We would look for more research and input from those in the field on the best practice in this area.</li></ul>	<p>Additionally, CBL allows us to ensure that even though a statewide assessment is not being given in a particular subject, learning is still taking place and provides us with in-depth understanding of where our students are deficient in those subjects.</p>



<p>(b) At least two (2) of the twenty four (24) credits for graduation shall include a College Level or Career Preparatory (CLCP) course approved by the educational institution and successfully completed by the student. The course may fulfill subject matter or elective unit requirements as deemed appropriate by the educational institution. CLCP courses approved by the educational institution may include courses at other institutions.</p> <p>(c) All students shall enroll in Algebra no later than ninth (9th) grade commencing with the 2007-2008 School Year.</p> <p>(d) For all students entering the ninth (9th) grade beginning School Year 2009-2010, one (1) of the three (3) lab science units, required by paragraph (a) of this subsection, shall be a course in Biology.</p> <p>(e) In addition to the twenty-four (24) credits, one hundred (100) hours of volunteer community service shall be satisfactorily completed. The specific volunteer community service projects shall be established by the educational institution.</p> <p>(f) One and one half (1.5) credits in health and physical education shall not be required for the evening program high school diploma.</p>				
<p><b>2202.3 Course Credit Flexibility</b></p> <p>(a) Beginning with the School Year 2015-2016, an educational institution shall award course credit toward high school graduation, on the condition that the course activities incorporate all applicable state content standards, through the any of the following methods:</p>	<p>Cathy Reilly (SHAPPE)</p>		<p>There is agreement that 2202.3 is too broad for passage at this time. Specific concerns are:</p> <ul style="list-style-type: none"><li>• It includes all subject areas. Unless a student goes to college and majors in these areas or is in a liberal arts college where they are required, these high school courses may well be the only</li></ul>	<p>With regard to the concern about mastery of social science topics, OSSE is aware of this concern but disagrees that a teacher will only teach to a test or that a student will only have to complete a few projects. Competency based learning is the antithesis of this. As noted above, the goal behind CBL is to create a system where the learning is more meaningful and where a high school diploma is not just a diploma but actually</p>



			<p>time they have academic exposure. The fear is that reducing the time for "mastery" of subjects like the social sciences will mean teaching to a test and or perhaps completing a few projects. No one is saying the current system is perfect but it is hard to imagine that we need less time to get quality engagement and instruction in these areas. None of us could claim full mastery of US or World History even after a year of study.</p> <ul style="list-style-type: none"><li>• We question aligning proposals for mastery metrics with different Local Education Agencies instead of by course. In a city with enormous mobility we and many others want to see more cooperation and coordination between the LEAs. OSSE is in the position to work with the research on what has evidence of working and with LEAs and the public to adopt policy aligned with particular courses. There could be a few options from this level based on sound educational practice. 20 or 30 different competency metrics depending on what school you are in has the potential of exacerbating the inequalities we already see.</li></ul>	<p>reflects the learning that took place and skills that were acquired. CBL helps the District reach this point by using the mastery of content as the measure for student progress instead of time. This is not conditioned on the course being quantitative like math or science. For example, rather than knowing that a student with a high school diploma did 120 hours of US history, schools and teachers will be able to know that the student demonstrated knowledge on what caused the Great Depression and applied the knowledge in different ways.</p> <p>Additionally, CBL allows us to ensure that even though a statewide assessment is not being given in a particular subject, learning is still taking place and provides us with in-depth understanding of where our students are deficient in those subjects.</p> <p>To address the concern of different proposals, OSSE has created an application process to ensure that competency based learning, in the early stages, is controlled and rigorous. OSSE has not limited CBL to certain courses because OSSE does not want to limit an LEA's flexibility and ability to be innovative with all curriculum. In order to ensure consistency and coordination between the LEAs, OSSE will convene a panel of experts and stakeholders to review the applications.</p>
(1) Seat-time: An educational institution may award one credit toward high school graduation for a course that requires a minimum of one hundred-twenty (120) hours of instruction or one hundred-fifty (150) hours of laboratory instruction. An educational institution may award one-half unit (1/2) of credit toward high school				





graduation for a course of sixty (60) hours of instruction and one-fourth (1/4) unit of credit toward high school graduation for a course requiring a minimum of thirty (30) hours of instruction; or				
<p>(2) Competency Based Learning: An educational institution may award credit toward high school graduation for a competency-based learning course or course equivalent that has been approved by the Office of the State Superintendent of Education (OSSE). Each educational institution that seeks to implement a competency-based learning course or course equivalent shall submit an application to OSSE through the educational institution. The applications shall provide procedures for establishing and developing a competency-based course or course equivalent including the method for determining competency. OSSE shall approve the submitted plan prior to the educational institution's implementing the competency-based learning course or course equivalent. Achievement shall be demonstrated by evidence documented by course and learning experiences using multiple measures, such as, but not limited to, examinations, quizzes, portfolios, performances, exhibitions, projects and community service; or</p>	PCSB		2202.2(2) requires all educational institutions seeking to award credit toward high school graduation for competency-based learning (CBL) to apply to OSSE, who may convene a "panel of content experts and stakeholders" to review the applications. As DC's charter school authorizer in charge of oversight of DC public charter schools, these applications should be reviewed and approved by PCSB, rather than OSSE.	OSSE thanks PCSB for this feedback but disagrees that the application should be reviewed and approved by PCSB rather than OSSE. CBL will be an option for all LEAs in the District, not just charters. To ensure consistency, equity, rigor, and high-quality among the applications being submitted, OSSE believes it needs to review the applications at a state level and not just have charter applications reviewed by the charter authorizer. OSSE does, however, note the need for cooperation and coordination with PCSB and to that end, the second proposed regulations indicate that OSSE may convene a panel of content experts and stakeholders to review applications submitted by an LEA (or equivalent) for a competency-based learning course or course equivalent. The intention is to have charter representation on this panel, and OSSE commits to working closely with PCSB on the implementation of CBL throughout the District.
	PCSB		However, we also recognize the importance of ensuring that students who may need to move between traditional public and public charter schools can do so without having significant impacts on their progress toward graduation. Therefore, we would recommend that the regulations include a provision that OSSE will convene a task force of relevant stakeholders from traditional public and public charter schools to examine ways to align graduation requirements in a meaningful way.	While OSSE is open to this suggestion, this will not ensure consistency, rigor, and high quality among the potential CBL programs in the city. With a 30% mobility rate in the District, a controlled process must be in place for CBL, at least in the early stages of this program. The goal is to be able to determine what metrics or standards may be appropriate for a District-wide CBL program in the future, but the District is not at this point yet.
	Capital City, EL Haynes, Friendship,		First, we commend OSSE for including the language of "course equivalent" in the Competency-Based Learning subsection.	OSSE edited the language in the revised proposed regulations out for a second round of public comment to explicitly state that the applications are coming from the LEA or an equivalent and



	IDEA, KIPP DC, National Collegiate, Thurgood Marshall Academy, and Washington Latin		Allowing student advancement upon mastery has the potential to go beyond the current understanding of a course that has historically been tied to bell schedules and grade levels. However, the application and approval process in the regulations is unclear. Course-by-course approval through OSSE creates concerns about the efficiency with which OSSE can act to give the school and local education agency ample time to prepare the course. Timing constraints would necessarily be imposed by this step in bureaucracy and facing a process with a state agency could stifle a school's desire to innovate in this manner. It is unclear from the drafting whether the application is to be submitted by the local education agency as a framework for schools to use, or if it is an application by the school to OSSE. The definition of "educational institution" in Section 2299 seems to require applications from each school. Regardless of intent, the language of Section 2202.3(2) should be clarified because the statement "[e]ach educational institution that seeks to implement a competency-based learning course or course equivalent shall submit an application to OSSE through the educational institution" is confusing and unclear as to what role is intended for the local education agency.	not a school.
	Martha Saccocio (Wilson and DEAL parent)		Making physical education, music, and art requirements more flexible are obvious improvements over the current structure. Another area I'd like to see addressed is learning experiences such as internships and study abroad opportunities. Similarly internships that connect students to real world	As written, the regulations allow for credit for internships and study abroad opportunities if OSSE approves an application including such activities. An LEA would have to seek approval from OSSE before implementing a course of that nature but it is an option for students.



			learning opportunities should be encouraged. Community Service with an organization for an in-depth service experience.	
	Steve and Nancy Smith		<p>The proposed manner in which OSSE intends to implement competency based credit is not been successfully evidence-based --- OSSE is seeking to be an urban/state 'trail-blazer.'</p> <p>The projection of the impact on the numbers of students, the courses, and competencies has not been presented -- OSSE has taken a let all the flowers bloom approach rather than identifying state priorities for which courses and which students.</p> <p>Alternative options for identifying effective programs have not been adequately considered. OSSE seeks to establish a panel that would review the applications of interested LEAs. The rules of the panel and the rules for approval and disapproval are not well-spelled, nor how the panel is to be populated. All in the name of promoting innovation.</p> <p>More importantly, OSSE should be ensuring that any program that is authorized has been proven</p> <p>Letting 50+ LEAs come up with ideas can be fruitful, but not as the main road to certification. An alternative more in keeping with the role of OSSE to set standards would be to research and identify -5 currently existing programs in a course area from around the country that have been proven effective, and let LEAs choose a program from these. We often pay a heavy price in trying to re-invent the wheel in both student time and effort, and budget dollars.</p>	<p>OSSE has conducted extensive research on the proposed competency based learning aspect of these regulations, including looking closely at an urban district that is similar to the District, where pilots were closely monitored – Philadelphia. OSSE has indicated that it does not project that competency based learning will take place in a large number of schools immediately, as the application process will ensure a closely monitored, controlled and rigorous process. OSSE will issue guidance regarding the application panel to ensure a transparent and thorough process.</p> <p>Further, OSSE's proposal for Course Credit Flexibility is modeled after Credit Flex in Ohio. For more information about the research behind the proposed regulations, and specifically Course Credit Flexibility, see the Memorandum provided to SBOE: <a href="http://osse.dc.gov/publication/proposed-dc-graduation-regulations-%E2%80%93-second-round-public-comment">http://osse.dc.gov/publication/proposed-dc-graduation-regulations-%E2%80%93-second-round-public-comment</a></p>



<p>(3) Credit Advancement: An educational institution may award credit toward high school graduation to a student who is not enrolled in the course, or who has not completed the course, if the student attains a passing score on the corresponding OSSE approved assessment. OSSE will annually issue a list of approved assessments. In order to award credit towards graduation in this manner, an educational institution shall comply with notice and reporting requirements in this chapter; or</p>	<p>Capital City PCS, EL Haynes PCS, Friendship PCS, IDEA PCS, KIPP, National Collegiate Preparatory PCS, Thurgood Marshall Academy PCS, Washington Latin PCS</p>	<p>Section 2202.3(3) requires assessments to be annually approved through OSSE before a school may seek to implement credit through assessment. First and foremost, requiring prior approval through OSSE limits the breadth of possible teacher-created assessment through which a student can demonstrate mastery. Varied and authentic assessment is a key tenet of competency-based learning and certified educators are well-positioned to determine what constitutes mastery of standards and a demonstration of competency. Forms of assessment should not be limited to paper-and-pencil exams as a true competency-based education also provides opportunities for students to drive forms of assessment including competency demonstration through portfolio compilation or performance tasks. Finally, if the goal is for the Class of 2016 to be able to take advantage of competency-based learning, there is not much time for an effective feedback loop for a bank of assessments at the state level.</p>	<p>It is important to note that OSSE views credit advancement and competency-based learning as two different avenues to a student obtaining graduation credit. If the LEA chooses to allow a student to use credit advancement, the LEA solely needs to comply with the notice and reporting requirements in the proposed regulations – the LEA need not submit an application to OSSE. Further, in the future, OSSE is willing to work with LEAs or their equivalents on a process for approving other types of assessments that could be used for credit advancement.</p> <p>If the LEA would like to engage in CBL, instead of credit advancement, then an application will be required. With regard to the need for an application for CBL, as mentioned above, OSSE is aware of the charter LEAs’ concern. However, because of the early stage of CBL implementation, OSSE believes that the best approach at this point is through a controlled, rigorous and monitored application process.</p>
<p>(4) Credit Recovery: An educational institution may award credit toward high school graduation to a student who previously failed a required course if the student demonstrates mastery of targeted standards. Course content for credit recovery courses shall be composed of standards in which students proved deficient rather than all standards of the original course. Educational Institutions may develop credit recovery programs which are self-paced and competency-based. Educational Institutions offering credit recovery may offer these courses using self-paced digital content programs, online courses, or course remediation programs that result in accrual of credits. In order to</p>	<p>Capital City PCS, EL Haynes PCS, Friendship PCS, IDEA PCS, KIPP, National Collegiate Preparatory PCS, Thurgood Marshall Academy PCS, Washington Latin PCS</p>	<p>Section 2202.3(4) says, “Course content for credit recovery courses shall be composed of standards in which students proved deficient rather than all standards of the original course.” While we are generally supportive of a more precise credit recovery where a student is asked to recover only deficiencies, regulations mandating course content to be executed in such an explicit way prescribes a curricular approach that may not be the most effective approach in all courses. Further, it would necessitate an overhaul of how summer school is managed and executed and has a potential</p>	<p>OSSE’s intent was not to be prescriptive in this language, and thus made a technical change to the language to reflect our intent. The language now reads: “Credit Recovery: An educational institution may award credit toward high school graduation to a student who previously failed a required course if the student demonstrates mastery of targeted standards. Course content for credit recovery courses shall, <b>at least</b>, be composed of standards in which students proved deficient rather than all standards of the original course. Educational Institutions may develop credit recovery programs which are self-paced and competency-based. Educational Institutions offering credit recovery may offer these courses using self-paced digital content programs, online courses, or course remediation</p>



award credit towards graduation in this manner, an educational institution shall comply with notice and reporting requirements in this chapter.			impact on teacher pay. If this section was intended to simply offer flexibility in credit recovery course content and not to require which standards are taught, then the language should be changed.	programs that result in accrual of credits. In order to award credit towards graduation in this manner, an educational institution shall comply with notice and reporting requirements in this chapter.”
(b) Notice and Reporting Requirement:  Each educational institution awarding credit toward graduation through credit advancement or credit recovery shall provide to OSSE:  (1) Notice Requirement: Notice of how many students will attempt to receive credit through credit recovery or credit advancement, and the respective assessments or methods the students will use, in conformance with this chapter.  (2) Reporting Requirement: A report detailing, among others, how many students received credit through credit recovery or credit advancement and the respective assessments or methods used, in conformance with this chapter.  The reports required under this section shall, to the extent practicable, conform to the format requested by OSSE.	Steve and Nancy Smith		There are not provisions for review, oversight and monitoring that could lead to removal of the LEA approval to provide such certification	OSSE is aware of this concern and intends to issue policy and/or guidance to address these topics.
	Cathy Reilly (SHAPPE)		There is no provision for transparency, review, oversight or monitoring of the competency or credit recovery implementation at the school level. It would appear that as long as schools notify and report to OSSE on what they are doing in these areas they will be acting within the law. There is no quality check	OSSE disagrees with the assertion that quality checks are not in place with regard to CBL – the application process to OSSE is in place to ensure transparency, review, oversight, and quality of the CBL programs being implemented in the District.  With regard to credit recovery, schools/LEAs are implementing credit recovery now in the District without any checks and any monitoring or reporting by the schools on what is being done in these programs. Requiring schools to report and provide notice with regard to credit recovery is an important step in learning what is being done in schools with regard to this option. From here, OSSE can work with LEAs and stakeholders to determine if additional monitoring or oversight is necessary.
2202.4 The head of an educational institution may establish specialized or career focused programs or courses of study, which lead to the high school diploma in accordance with § 2202.5. These courses of study can include academic, performing arts, science and mathematics, career or vocational education focuses or other areas of concentration. The programs or courses of study may require additional coursework.				



2202.5 Electives taken to fulfill the requirements of § 2202.2 shall be required to be taken in courses established by the head of the educational institution for each area of concentration in order to receive certification in the area of concentration.				
2202.6 Each student who completes the requirements for specialized courses of study shall receive appropriate recognition on the student's diploma.				
<b>5A 2203 – <u>SPECIAL POPULATIONS</u></b>				
2203.1 For students eligible for special education services under the Individuals with Disabilities Education Act (IDEA) or protected by section 504 of the federal Rehabilitation Act, the student shall meet the same graduation requirements as non-disabled peers in an accommodated and/or modified manner. These modifications will be documented in each student’s Individualized Education Program (IEP).	Capital City PCS, EL Haynes PCS, Friendship PCS, IDEA PCS, KIPP, National Collegiate Preparatory PCS, Thurgood Marshall Academy PCS, Washington Latin PCS		Section 2203.1 of the proposed regulation states that “the student shall meet the same graduation requirements as non-disabled peers in an accommodated and/or modified manner.” There is a legal and a practical difference between an accommodation and a modification joined here with “and/or” in this section which minimizes that difference, if not discounting it completely. The language appears to suggest that a school may modify the graduation requirements and therefore the content of the courses enumerated in subject area course requirements of Section 2202 and still receive a diploma. If that outcome was not OSSE’s intent, then this section on special populations must be clarified.	OSSE deleted this section in its entirety.
2203.2 A student with special needs who does not achieve a diploma, as set forth in §§ 2202 et seq. shall be eligible to receive a Certificate of Individual Educational Program Completion. The decision to pursue a program leading to a Certificate of Individual Educational Program Completion shall be made by the IEP team including the parent(s) and where possible, the student. The decision shall be made no earlier than the ninth (9th) grade and shall be attached to the student's				OSSE moved this section back up to 2202, as it is in the current regulations.
	Jazmone Taylor (Advocates for Justice and Education)		AJE also recommends that the decision for a student with special needs to pursue a Certificate of IEP Completion, should be subject to review by the IEP team. As written, it appears that once the decision is made for a student to pursue a Certificate of IEP Completion, that it is final. Given that students	At this time, OSSE has decided not to amend this language. Notably, this section is currently in the graduation regulations. However, OSSE has not foreclosed the possibility of reviewing this section but believes that it should be done in coordination with the revision of the Chapter 30 regulations, which speak to special education in the District. OSSE plans to issue proposed revisions to the Chapter 30 regulations this Spring.



IEP. Educational institutions shall comply with IDEA as addressed in Title 5-E DCMR Chapter 30 (Special Education Policy) with regards to appropriate transition assessments.			with special needs have up until their 22nd birthday to complete school, the opportunity to achieve a diploma should not be foreclosed in a student's ninth grade year.	
2203.3 For students who transfer to the District from another state, country, school, program, or home-schooling situation, the educational institution shall evaluate the value of the student's prior educational experiences and determine to what degree the student has met the school's graduation requirements. The course work credits received by the student prior to transfer into an educational institution may be used to meet the graduation requirement set forth in §§ 2202 et seq. upon the educational institution's verification of successful completion of this comparable course work. After enrolling in the educational institution, these students will need to satisfy all assessment, proficiency, and graduation requirements in the appropriate subject areas, as determined by the educational institution.				OSSE moved this section to "General Policy" Section 2201
	Jazmone Taylor (Advocates for Justice and Education)		AJE recommends that OSSE clarify how educational institutions will evaluate the value of a transferring student's prior educational experiences. The proposed rules do not indicate what standards should be used or procedural requirements for how this decision will be made. We think such clarification is necessary to ensure consistent application across all schools.	OSSE appreciates AJE's concern and will determine if a future policy or guidance is necessary. As suggested above by PCSB, OSSE is not opposed to a taskforce that will look at graduation requirements across the District to ensure equity and consistency across schools – this recommendation would fall into the purview of that taskforce.
<b>5A 2204 – <u>DIPLOMAS</u></b>				
2204.1 A student shall be certified by the educational institution as eligible for graduation only after the student has satisfactorily completed all academic and non-academic graduation requirements in this chapter that have not been specifically waived for that student.				
2204.2 A student who has successfully completed the tests of General Educational Development (GED), the National External Diploma Program (NEDP), is in a home schooling program that is in compliance with Title 5-E DCMR Chapter 52 (Home Schooling), or is enrolled in a school operated by the State, and successfully completed any additional option pre-approved by OSSE,	Home School Legal Defense Association (HDLA) and Ethan Reedy		This regulation unreasonably interferes with the rights of parents to homeschool their children. District parents who homeschool already must comply with an entire chapter of regulations, and thus it is unnecessary to include them in this new regulation.	The new regulations do not require home schooled students to receive the superintendent's diploma. Rather, it gives home schooled students another option to earn a high school diploma without taking the GED or enrolling in a diploma granting school for the final semester of high school or if the student or parent would like a diploma from the state rather than using the





shall receive a diploma from the Office of the State Superintendent of Education.			Furthermore, the proposed regulation imposes an inflexible curriculum on homeschools and grants sweeping authority to the state superintendent as the "head" of every homeschool.	parents' diploma currently being used. Parents' autonomy has not changed.
	SBOE		Concerns that GED would be retroactively applied to students who took the old version of the GED and not the version that has been aligned with the Common Core and the NGSS. The version aligned with the Common Core and the NGSS was effective January 1, 2014.	OSSE added clarifying language that students who have taken and successfully completed the GED after or on January 1, 2014 are eligible for the Superintendent's Diploma. January 1, 2014 is the eligible date as this is the date when the new GED went into effect. To ensure that students who have taken these more rigorous assessments between Jan. 1, 2014 and now, we are allowing some retroactivity. To foreclose those students who have taken the more rigorous GED solely because they took it a few months before these regulations went into effect would be unfair.
	Ethan Reedy		<p>I've been thinking about the ramifications of only changing the language in 2204.2 from "shall" to "may be eligible to." I am concerned that 2204.3 and half of 2204.4 become confusing as well. I suggest moving the second sentence of 2204.4 up to 2204.3 and rewording and rearranging the sections as follows:</p> <p>2204.2 Each diploma shall bear the signature of the head of the educational institution and the seal of the educational institution in which the student is enrolled.</p> <p>2204.3 A student who has successfully completed the tests of General Educational Development (GED), the National External Diploma Program (NEDP), is in a home schooling program that is in compliance with</p>	OSSE indicated in Section 2203.3 that a student may receive high school diploma only if such student has been certified as eligible to graduate pursuant to §§ 2202 et. seq. <b>or § 2203.2.</b> We believe the addition of "or § 2203.2" addresses the concerns with the arrangement of the subsections within this section of the proposed regulations.





			<p>Title 5-E DCMR Chapter 52 (Home Schooling), or is enrolled in a school operated by the State, and successfully completed any additional option pre-approved by OSSE, may be eligible to receive a diploma from the Office of the State Superintendent of Education.</p> <p>2204.4 A student shall be eligible to receive a diploma under § 2204.3 only if such student has been certified as eligible to graduate pursuant to §§ 2202 et seq., The diploma shall bear the signature of the State Superintendent of Education and the seal of the Office of the State Superintendent of Education.</p>	
	Cathy Reilly (SHAPPE)		<p>Diplomas- section 2203.2 gives OSSE the authority to grant diplomas to students not aligned with any local education agency essentially making it an LEA under its own supervision. While there may be a need for emergency and temporary rulemaking to deal with the students of Hospitality High School only for the graduating class of 2015 the full authority granted in this paragraph has not been adequately considered or defended. There were examples offered indicating that students had successfully entered college and other post-secondary programs with a GED certificate calling into question the need to rush to grant a diploma that equates the successful completion of a test with 4 years of course work. While no one wants to deny a student what they need to go forward-the case for granting this at this time has not been made to the public. The same is true for the home</p>	<p>OSSE disagrees with the assertion that the full authority of this section has not been adequately considered and defended. The District is not the only jurisdiction to offer this option, with 13 states (including Maryland) also offering a diploma for students who successfully complete the GED. Currently, the District has over 7,500 disengaged youth between the ages of 16-24 who have not been successful on the traditional educational route for whatever reason. This number also does not take into account those over 24 years of age who would like to obtain a high school diploma but currently would be unable to do so. While there may be students who have successfully entered college and other post-secondary programs with a GED, there are not many. A high school diploma opens far more postsecondary education and employment opportunities than a GED® credential alone, despite the increased rigor of the GED®. However, a traditional high school diploma track is not a realistic option for many of our educationally disengaged youth and our adult learners in DC. Furthermore, if LEAs are the only entities allowed to award diplomas based on the GED®, then residents who completed the</p>



			schooling and NEDP programs.	GED® after participating in self-guided preparation or in an educational program provided by a Community Based Organization (CBO) would be denied access to a diploma even though they demonstrated the same level of mastery of content. This is not only inherently unfair but will create a disincentive for residents to participate in CBO programs and exacerbate the capacity issues at our adult and alternative LEA based schools.
2204.3 A student may receive a high school diploma only if such student has been certified as eligible to graduate pursuant to §§ 2202 et seq.				
2204.4 Each diploma shall bear the signature of the head of the educational institution and the seal of the educational institution in which the student is enrolled. The diploma of a student eligible under § 2204.2, shall bear the signature of the State Superintendent of Education and the seal of the Office of the State Superintendent of Education.				
2204.5 If the student is receiving a diploma from another school system but is unable to attend graduation exercises held by the school system, the student may be allowed to participate in the graduation exercises of the educational institution being attended upon the approval of the head of the educational institution.				
2204.6 The receipt of a high school diploma, a Certificate of Attainment or a Certificate of Individualized Education Program by an eligible student shall not be contingent upon the payment of any fee or other consideration, except the payment of non-resident tuition fees required by statute and the provisions of Title 5-A DCMR Chapter 51 (Non-Resident				



Tuition Rates).				
<b>5A 2205 – <u>GRADUATION STATUS OF STUDENTS</u></b>				
<p>2205.1 Each adult student, or the parent or guardian of a minor student, shall be informed in writing not later than ten (10) days after the close of the third (3rd) advisory period of the student’s graduation status.</p> <p>2205.2 The notice required by this section shall include a warning that the student may not be eligible for graduation in June, if applicable.</p>	FOCUS	2205; 2206; 2207; 2208	The proposed graduation regulations unlawfully intrude on schools' control over their administrative practices and instructional methods by: (1) requiring that parents receive certain graduation-related notices from the schools; (2) requiring that each student develop a graduation plan at the beginning of 9th grade; (3) requiring that at least two credits be in a college level or career preparatory course; (4) requiring that all students must be enrolled in algebra by the 9th grade; (5) requiring 100 hours of community service; (6) requiring that students who complete a specialized course of study (see below) get "appropriate recognition" on the diploma; (7) requiring that schools consult with staff, students, and parents before deciding on whether graduates should wear a cap and gown, whether to rent space for graduation exercises, and whether to present a class gift; and (8) prohibiting schools from requiring students to wear a cap and gown;	OSSE is repealing the sections on the graduation status of students (Title 5-E, Section 2204), class fees (Title 5-E, Section 2207), and class gifts (Title 5-E, Section 2208) from the regulations. Graduation exercises and diplomas are split into two separate sections, with the section on graduation exercises also being repealed.
	Capital City PCS, EL Haynes PCS, Friendship PCS, IDEA PCS, KIPP, National Collegiate Preparatory PCS, Thurgood Marshall	2205.1	Section 2205.1 requires that parents and guardians be notified of a student’s graduation status at the very beginning of the fourth advisory period. Graduation status necessarily fluctuates during the fourth advisory period as students finish work and reassessments, and complete high-value summative assessments. This reporting requirement is not realistic or feasible without a modifying adjective, such as “expected” graduation status.	OSSE has repealed this section from the proposed regulation.



	Academy PCS, Washington Latin PCS			
<b>5A 2206 – GRADUATION EXERCISES</b>				
2206.1 Graduation exercises shall be held only to confer the high school diploma.				OSSE has repealed this section of the proposed regulation.
2206.2 Exercises held to formally award Certificates of Attainment and Certificates of Individualized Education Program shall be in accordance with procedures established by the head of the educational institution. Exercises held to formally acknowledge promotion, as defined in § 2201 of Title 5, Subtitle E of the DCMR, shall not include the wearing of cap and gown, rental of facilities, or the assessment of any class fees.				
<b>5A 2207 – CLASS FEES</b>				
2207.1 The assessment of a class fee to cover expenses in connection with graduation exercises shall be permitted subject to the requirements and restrictions set forth in this section.				OSSE has repealed this section from the proposed regulations.
2207.2 The maximum amount of the class fee shall be uniformly established by the educational institution.				
2207.3 The appropriate head of the educational institution shall be authorized to exempt a student from the payment of the class fee in instances of hardship.				
2207.4 The expense of caps and gowns, yearbook subscriptions, proms, class gifts, and other activities that may be associated with graduation shall not be included in the class fee.				



2207.5 Activities such as those listed in § 2207.4, if offered, shall be made available to students on an individual basis at the option of each student.				
2207.6 The decisions whether to wear cap and gown, and whether to utilize rental facilities for graduation exercises, shall involve school staff, students, and parents or guardians.				
2207.7 No student shall be required to wear a cap and gown in order to participate in graduation exercises.				
<b>5A 2208 – <u>CLASS GIFTS</u></b>				
2208.1 The decision whether to present a class gift shall involve school staff, students, and parents or guardians.				OSSE has repealed this section of the proposed regulation.
2208.2 Class gifts to the school, if any, shall consist of or be paid for only by donations, including the creative work of students.				
2208.3 Class gifts shall not be made to any individual(s).				
<b>5A 2299 – <u>DEFINITIONS</u></b>				
2299.1 When used in this chapter, the following terms shall have the ascribed meanings:  (a) “Carnegie Unit” means one hundred and twenty (120) hours of classroom instruction or one hundred and fifty (150) hours of laboratory instruction over the course of an academic year.  (b) “Competency” means a measure of a student’s knowledge and skill in content areas that are demonstrated in various settings over time. The specific knowledge and skills are defined by state adopted	FOCUS	(e) Head of Educational Institution	"Head of the Educational Institution" should be the head of the LEA in the case of charter schools, not the Public Charter School Board or the charter authorizer.	To avoid confusion, the definition of “head of educational institution” was altered by removing the examples originally provided in the definition. The actual legal definition remains the same.
	HSLDA and Ethan Reedy	(e) Head of Educational Institution	The Superintendent should not be the head of home school.	To avoid confusion, the definition of “head of educational institution” was altered by removing the examples originally provided in the definition. The actual legal definition remains the same.



<p>standards, other content standards, and/or career readiness and life skills.</p> <p>(c) “Credit” means successful demonstration of a specified unit of study.</p> <p>(d) “Educational institution” means an independent, private, public, public charter school, or private instruction in the District of Columbia.</p> <p>(e) “Head of the Educational Institution” means the legal entity or designated representative with authority to act on behalf of the educational institution in an official manner. In the case of D.C. Public Schools, the “head of the educational institution” of the educational institution would be the Chancellor. In the case of a charter school, the “head of the educational institution” may be the charter authorizer or an authorized representative of the charter authorizer. In the case of a private school, the “head of the educational institution” may be the president, the board, or any legal entity with the authority to act on behalf of the educational institution in an official manner. In the case of private instruction where a student is home-schooled, the “head of the educational institution” would be the State Superintendent of Education.</p> <p>(f) “High school” means an educational institution that provides secondary level instruction to students.</p> <p>(g) “IDEA” means the “Individuals with Disabilities Education Act”, approved April 13, 1970 (84 Stat. 191; 20 U.S.C. §§ 1400 et seq.), as amended by Pub. L. 108-446, approved December 3, 2004 (118 Stat. 2647).</p>				
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<p>(h) “Mastery” means a student’s command of course material at a level that demonstrates a deep understanding of the content standards and application of knowledge.</p> <p>(i) “Nonpublic special education school or program” means a privately owned or operated preschool, school, educational organization, or program, no matter how titled, that maintains or conducts classes for the purpose of offering instruction, for a consideration, profit, or tuition, to students with disabilities; provided that the term “nonpublic special education school or program” shall not include a privately owned or operated preschool, elementary, middle, or secondary school whose primary purpose is to provide educational services to students without disabilities, even though the school may serve students with disabilities in a regular academic setting.</p> <p>(j) “Office of the State Superintendent of Education” or “OSSE” means the state-level agency established by Section 302(a) of the Public Education reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2601 (2012 Repl.)).</p> <p>(k) “Portfolio” is a collection of work that documents a student’s academic performance over time and demonstrates deep content knowledge and applied learning skills. A portfolio typically includes a range of performance-based entries required by the educational institution and selected by the student, reflections, summary statements, and a final student presentation.</p> <p>(l) “Public high school” means a public school or</p>				
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public charter school that provides instruction for students in the ninth (9th) through twelfth (12th) grades.  (m) “School-age child” is a child between five (5) years of age on or before September 30 of the current school year or eighteen (18) years, pursuant to D.C. Official Code § 38-202(a) (2012 Repl.).  (n) “State Board of Education” means the District of Columbia state-level agency established by Section 402 of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code §§ 38-2651 et seq. (2012 Repl.)).				
<b>OTHER</b>				
	Raise DC		We strongly support competency-based credits and a Superintendent’s Diploma, as these opportunities will improve outcomes for the most at risk youth in the District.	
	Workforce Investment Council		Supports proposed regulations	
	Steve and Nancy Smith		The budgetary implications for the needed staffing to implement and review, particularly with the change in administrations is not clear.	OSSE has carefully considered the staffing needs that will be required by the agency in order to implement the Course Credit Flexibility and the Superintendent’s diploma and can absorb the costs associated with both.
	Dr. Ryan Monroe (Chief Academic Officer – Carlos Rosario International Public Charter)		Supports proposed regulations	





	Benton Murphy (Community Foundation)		Supports proposed regulations	
	Julie Meyer (Next Step PCS)		Supports proposed regulations	
	Mayde Henson (Covenant House Washington)		Supports proposed regulations	
	Any Dudas (DC Alliance of Youth Advocates)		Supports proposed regulations	
	Leicester Johnson (Academy of Hope)		Supports proposed regulations	
	Sarah Livingston		First, I think the OSSE hasn't complied with the spirit and, possibly not the letter, of the rules making process. And second, the rules it has written are not good. The whole document is full of inconsistencies, incompleteness, redundancies and even typos. It's not a finished work that will truly serve public education in DC though it's incompleteness may be useful to certain people who say they are educators but really aren't.	Per D.C.Code § 2-505, OSSE is required to put the proposed rulemaking out for a total of 30 days, with which OSSE has complied. With regard to the assertion that the rules as written are not good, OSSE respectfully disagrees with this assertion and believes that the rules will serve the District's high schoolers well and allow for greater mastery of learning and ensure that our students are college and career ready.
	Cathy Reilly (SHAPPE)		This proposed rule reinstates the pre 2007 requirements for students who entered 9th grade for the first time between SY 2007 08 and 2011-12. This is a huge omission leaving adults	We are aware of this concern but believe that beginning with the graduating class of 2016 (2015-2016 SY) all students graduating from a District high school should follow the current graduation requirements regardless of when they originally entered high



			in both charter and DCPS schools without a clear path to a diploma through course work and potentially opening up legal issues for you.	school. This falls in line with best practices in other states who have instituted similar changes to their graduation requirements.
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